

26243. Oysters. (F.D.C. No. 40153. S. Nos. 53-024/25 M.)

INFORMATION FILED: On or about 10-4-57, E. Dist. La., against Bertoul J. Cheramie, Jr., t/a Daigleville Packing Co., Houma, La.

SHIPPED: 11-14-56, from Louisiana to Mississippi.

LABEL IN PART: (Jar lid) "HO-MA Brand OYSTERS Daigleville Packing Co. Houma, Louisiana LA 138 ONE PINT."

CHARGE: 402(b)(4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk and reduce their quality and make them appear of greater value than they were.

PLEA: Guilty.

DISPOSITION: 9-23-59. \$500 fine.

26244. Oysters. (F.D.C. No. 43068. S. No. 5-155 P.)

INDICTMENT FILED: 7-21-59, E. Dist. Va., against H. Allen Smith, Oyster, Va.

SHIPPED: 12-11-58, from Virginia to Ohio.

LABEL IN PART: (Can) "PIONEER BRAND OYSTERS PACKED FOR THE CANTON PROVISION CO. CANTON, OHIO VA. 585."

CHARGE: 403(g)(1)—the article failed to conform to the definition and standard of identity for oysters since, in the preparation of the oysters, the containers for the oysters, upon being shucked, were filled with water, or salt water in excess of $\frac{1}{4}$ of the volume of the oysters or liquid when emptied, and the total time that the oysters were in contact with water, or salt water containing less than 0.75 percent salt, after leaving the shucker was more than 30 minutes.

PLEA: Guilty.

DISPOSITION: 10-20-59. \$1,000 fine.

26245. Oysters. (F.D.C. No. 43067. S. No. 5-156 P.)

INFORMATION FILED: 10-14-59, E. Dist. Va., against William V. Birch, t/a William C. Bunting, Chincoteague, Va.

SHIPPED: 12-17-58, from Virginia to New York.

LABEL IN PART: (Can) "Tom's Cove Oysters OWNED AND OPERATED BY WILLIAM V. BIRCH PACKED BY WM. C. BUNTING CHINCOTEAGUE, VA. VA. 437 CONTENTS ONE GALLON."

CHARGE: 403(g)(1)—the article failed to conform to the definition and standard of identity for oysters since, in the preparation of the article, the total time that the oysters were in contact with water or salt water containing less than 0.75 percent salt, after leaving the shucker, was more than 30 minutes.

PLEA: Guilty.

DISPOSITION: 11-2-59. \$200 fine.

26246. Oysters. (F.D.C. No. 43072. S. No. 33-121 P.)

INFORMATION FILED: 10-14-59, E. Dist. Va., against Milton L. Drewer, Saxis, Va.

SHIPPED: 12-11-58, from Virginia to Florida.

LABEL IN PART: (Can) "Contents 12 Fl. Ozs. Oysters Packed by Milton Drewer Saxis, Va. Va. 600."

CHARGE: 403(g)(1)—the article failed to conform to the definition and standard of identity for oysters since, in the preparation of the article, the total

time that the oysters were in contact with water or salt water containing less than 0.75 percent salt, after leaving the shucker, was more than 30 minutes.

PLEA: Not guilty.

DISPOSITION: On 11-27-59, the case came on for trial before the court and jury. The trial was concluded on the same day with the return of a verdict of not guilty.

FRUITS AND VEGETABLES*

CANNED FRUIT

26247. Canned peaches. (F.D.C. No. 42687. S. No. 34-941 P.)

QUANTITY: 1,746 cases, 24 1-lb. 14-oz. cans each, at New Cumberland, Pa.

SHIPPED: 10-29-58, from Modesto, Calif., by Robert B. Boyer Co.

LABEL IN PART: (Can) "Frontier Halves Yellow Freestone Peaches."

LIBELED: 2-5-59, M. Dist. Pa.

CHARGE: 402(a)(3)—contained insects, insect parts, fly eggs, and maggots; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 7-24-59. Consent—claimed by Robert B. Boyer Co. Segregated; 220 cases plus 5 cans destroyed.

26248. Canned peaches. (F.D.C. No. 44228. S. No. 96-787 P.)

QUANTITY: 1,100 cases, 24 1-lb. 13-oz. cans each, at Elizabethport, N.J.

SHIPPED: 11-19-59, from Luray, Va., by Moyer Bros.

LABEL IN PART: (Can) "Page Valley Brand Yellow Freestone Peaches Halves in Heavy Syrup Packed by Moyer Bros., Luray, Virginia."

LIBELED: 2-10-60, Dist. N.J.

CHARGE: 403(h)(1)—when shipped, the quality of the article fell below the definition and standard of quality for canned peaches, since all peach units of the article tested in accordance with the method prescribed in such standard were not pierced by a weight of not more than 300 grams; and the weight of the largest unit in some containers was more than twice the weight of the smallest unit therein, and its label failed to bear, as specified by regulations, a statement that it fell below such standard.

DISPOSITION: 3-1-60. Consent—claimed by Clarence M. Moyer, Warren A. Moyer, Winfield L. Moyer, and T. C. Moyer, t/a Moyer Bros., and relabeled.

DRIED FRUIT

26249. Dried currants. (F.D.C. No. 43401. S. No. 52-115 P.)

QUANTITY: 17 30-lb. cases at Moorhead, Minn., in possession of United Supply Co.

SHIPPED: 10-17-58, from Del Rey, Calif.

LIBELED: 7-24-59, Dist. Minn.

CHARGE: 402(a)(3)—contained moldy currants while held for sale.

DISPOSITION: 11-9-59. Default—destruction.

26250. Pitted dates. (F.D.C. No. 43866. S. No. 54-578 P.)

QUANTITY: 18 cases, 48 8-oz. pkgs. each, at Pine Bluff, Ark.

SHIPPED: 9-11-58, from outside the State of Arkansas.

*See also No. 26215.